

AMENDMENTS TO THE DRAWINGS

The attached replacement Drawing sheets includes formal Drawings of Figs. 26A-45. The Drawing sheets including those Figures replaces the original informal sheets originally submitted on 26 February 2004.

Attachment: Nine (9) Replacement sheets.

REMARKS/ARGUMENTS

This case has been carefully reviewed and analyzed in view of the final Office Action dated 12 February 2007. Responsive to the final Office Action, new Claims 13-15 have been added and Claims 2-5 have been amended for further prosecution with the other pending Claims. It is believed that with such amendment and insertion of new Claims, there is a further clarification of their recitations.

In the final Office Action, the Examiner rejected Claims 2-5 under 35 U.S.C. § 112, second paragraph, as being indefinite. In response to this rejection, the appropriate Claims have been amended and now particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

In the Office Action, the Examiner rejected Claims 2 and 5 under 35 U.S.C. § 102(b) as being anticipated by the Pesko reference. Additionally, the Examiner rejected Claims 3-4 under 35 U.S.C. § 103(a) as being unpatentable over the Pesko reference further in view of the Grisso reference. In setting forth the latter rejection, the Examiner acknowledged that the Pesko reference fails to disclose the removable and re-attachable configuration Applicant presented and simply stated such was obvious. Furthermore, the Examiner cited Grisso as disclosing a blade arrangement where the blade is retained by a retaining cap and a screw and reasoned therefore that it would have been obvious to an ordinary skilled person to have incorporated as much into the Pesko device.

As newly-amended independent Claim 2 now more clearly recites, Applicant's manicuring device is one which includes among its combination of features a proximal member and a distal member which are "releasably coupled" to respective first and second ends of the elongated member. The proximal member includes an arcuately formed wall member and an arcuately formed blade member each of which extend "transverse to a horizontal axis of said proximal member." The arcuately formed blade member is able to properly cut or trim the cuticle along an arc which follows the arc of the cuticle base as the user moves the manicuring appliance along the cuticle. Even beyond this, since the proximal and distal members are "releasably coupled" to the elongated member, such allows for ease of disposal or cleaning of those members.

The full combination of these and other features now more clearly recited by Applicant's pending Claims is nowhere disclosed by the cited Pesko reference. In this regard, it is clear that the Pesko reference nowhere discloses or suggests a proximal or distal member that is "releasably coupled" to the elongated member. Furthermore, as the Examiner noted the first (90) and the second (86) ends of the Pesko device (Fig. 14) are secured by a rivet 84 with the manicuring implement being "collapsible". Thus, the manicuring implement (or blade) is not even "removably displaceable" as taught by Applicant.

Thus, as the Pesko reference fails to disclose each and every one of the elements of the invention of the subject Patent Application, it cannot anticipate the

invention as now claimed. Further, as the reference fails to suggest the combination of elements now claimed, it cannot make obvious that claimed invention.

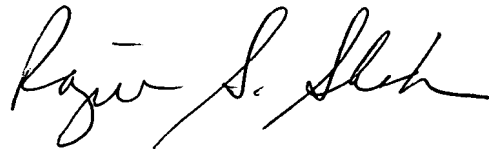
Given such contrary and deficient teachings of the Pesko reference, the Grisso reference is found to be quite ineffectual to the present patentability analysis. Such was cited for disclosing an isolated feature but fails to sufficiently remedy the deficiencies of the primarily-cited Pesko reference. Additionally, amended Claims 3-5 and 13-15 ultimately depend from now amended independent Claim 2 and are at least patentably distinct for the same reasons as independent Claim 2.

It is respectfully submitted, therefore, that the Pesko and Grisso references even when considered together, fail to disclose the unique combination of elements now more clearly recited by Applicant's pending Claims for the purposes and objectives disclosed in the subject Patent Application.

It is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

No fees are believed to be due with this Amendment. If there are any charges associated with this filing, the Honorable Commissioner for Patents is hereby authorized to charge Deposit Account #18-2011 for such charges.

Respectfully submitted,
For: ROSENBERG, KLEIN & LEE

A handwritten signature in black ink, appearing to read "Rajiv S. Shah". The signature is fluid and cursive, with a long horizontal stroke at the end.

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